

### **REMARKS**

Prior to entry of this paper, Claims 1-34 were pending. Claim 1-34 were rejected. In this paper, Claims 1-3, 5, 10, 12-15, 22-23, 25, 28-31, and 33 are amended; Claim 34 is cancelled. No claims are added. Claims 1-33 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

#### **Claim Rejections Under 35 USC § 101**

Claims 28-30 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In response, Claims 28-30 have been amended to recite a computer-readable storage medium. Support for this amendment is provided in the Applicant's specification at least on page 9 lines 16-30. Applicant respectfully submits that because such storage devices are within statutory subject matter, the rejection under 35 U.S.C. §101 is now moot and should be withdrawn.

#### **Claim Rejections Under 35 USC § 102**

Claims 1-2, 4-5, 7, 10-11, 13-16, 21-23, 25, 28 and 30-31 were rejected under 35 U.S.C. 102(b) as being anticipated by Kang et al. (U.S. Patent No. 6,954,792, hereinafter "Kang"). Applicants respectfully traverse these rejections.

Applicant respectfully submits that Kang does not teach or suggest every element of at least the independent claims 1, 10, 22, 28, or 31. As stated in MPEP §2131, citing the patent laws, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In the present situation, Kang fails to teach at least downloading a component onto the client device that is configured to inspect the client device to detect a configuration of the client device, as required by at least claim 1.

Instead, Kang teaches an authentication and access control process for a messaging system. See Kang's Title and Abstract. In particular, Kang teaches a client may first send a connection request to a server. "The type of authentication to be used by the server for the client may then be

determined as indicated at 402. In one embodiment, the server and client may negotiate to determine an appropriate authentication type." See Kang, Col. 13, lines 1-6. Emphasis added. Thus, Kang does not teach or suggest where a downloaded component is configured to inspect the client device to detect a configuration. Kang merely teaches performing a negotiation to determine an appropriate authentication type. Moreover, per Kang, such authentication types refer to such examples as MD-5 challenge, one-time passwords, certificates, etc. See Kang, Col. 7, lines 8-11. Thus, authentication types are not the same as a configuration of the client device. Therefore, authentication types do not teach or suggest detecting a configuration of the client device, as required by at least claim 1.

The Office Action further states that Kang teaches downloading of a component; however, nowhere does Kang teach or suggest that the downloaded component inspects the client device to detect a configuration of the client device. The Office Action, in reference to claim 3, states that Vaid teaches such inspection. However, the Applicant respectfully disagrees. What Vaid teaches instead is a method for monitoring or profiling quality of service within one or more information sources in a network of computers, and implementing a traffic monitoring or profiling of incoming and outgoing information from one of the information sources. See Vaid's Abstract. Thus, what Vaid appears to teach is traffic monitoring techniques for monitoring a flow of information. See Vaid's Summary of the Invention, Col. 2, lines 45-68. Vaid teaches utilizing active monitoring of devices or probing of networks. See Vaid, Col. 23, lines 38-59. Nowhere, however, does Vaid appear to teach or even suggest a downloaded component on the client device that inspects the client device to detect a configuration of the client device. Vaid appears instead to be directed towards monitoring of network flow information, and not inspecting the client device itself using a downloaded component.

It is further noted that the downloading that Kang teaches is not the same downloading recited in at least claim 1 of the Applicant. Kang's downloading requires first that a determination is made whether the client has permission to download/access the requested resource. See Kang, figure 5, blocks 506 and 510. That is, the client requests access to the resource to be downloaded at Kang, block 500, and then the access control context module of Kang determines that the client has access permission (see Kang's figure 5, block 504). Only after the determination indicates that the

client has permission, is the client allowed access to the requested resource. See Kang's figure 5, blocks 506 and 510. Otherwise, the client is denied access to the resource/downloading. See Kang's figure 5, blocks 506 and 508. This is unlike at least claim 1, which recites downloading the component that is then used to inspect the client first. The results of which are then subsequently used to determine access to the requested resource. Thus, Kang does not teach downloading a component that is used to determine access to the requested resource; but instead, Kang determines whether the client can download/access the resource first, and then based on the permission, conditionally allows access to the resource. Thus, Kang does not teach the same downloading as recited in at least claim 1. Moreover, none of the other cited prior art references teach or suggest these elements either. Thus, for at least the reasons stated above, Kang alone or in combination with the other cited prior art references anticipate or render obvious at least claim 1 of the Applicant.

Independent claims 10, 22, 28, and 31 include substantially similar, albeit different, limitations as claim 1. For example, claim 10 recites, at least in part, downloading a component onto the client device, wherein the downloaded component is configured to inspect the client device to detect a configuration of the client device. Similarly, for example, claim 22 recites in part, downloading a component onto the client device, wherein the downloaded component is configured to inspect for a configuration of the client device. Thus, for at least the same reasons as claim 1, each of these independent claims are also neither anticipated or rendered obvious by the cited prior art references. Therefore, the Applicant respectfully requests that at least claims 1, 10, 22, 28, and 31 be allowed to issue.

### **Claim Rejections Under 35 USC § 103**

Claims 8 and 9 were rejected under U.S.C. 103(a) as being unpatentable over Kang, as applied to claim 1, and further in view of Non-Patent Literature on the Print Distributor 2.0 system (Print Distributor 2.0). Claims 3 and 12 were rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Vaid et al. (U.S. Patent No. 6,502,131, hereinafter "Vaid"). Claims 6 and 17-18, 24 and 29 were rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Golan (U.S. Patent No. 5,974,549, hereinafter "Golan"). Claim 19 was rejected under U.S.C. 103(a) as

being unpatentable over Kang in view of Ishikawa (U.S. Patent No. 7,200,272, hereinafter "Ishikawa"). Claim 20 was rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Mahany (U.S. Patent No. 7,107,052, hereinafter "Mahany"). Claim 26 was rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Kouznetsov et al. (U.S. Patent No. 6,931,546, hereinafter "Kouznetsov"). Claim 27 was rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Kouznetsov. Claim 32 was rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Craig (U.S. Patent No. 7,337,174, hereinafter "Craig"). Claim 33 was rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Myers (U.S. Patent No. 7,260,388, hereinafter "Myers"). Claim 34 was rejected under U.S.C. 103(a) as being unpatentable over Kang in view of Merkle, Jr et al. (U.S. Patent No. 7,328,453, hereinafter "Merkle"). Applicant respectfully traverses these rejections.

For example, independent claim 32 recites, in part, determining a level of security software enabled on the client device. Applicant concurs with the Office Action that Kang does not disclose this limitation. Moreover, Applicant respectfully submits that Craig in combination with Kang also fails to teach or suggest such limitation.

Instead, Applicant submits that Craig teaches a logic table object for accessing configuration information sourced by one or more datastores. See Craig's Abstract. In particular, Craig teaches a transaction server application can determine a security level of a user according to a "role" assigned to the user by an administrator or other means. See Craig, Col. 5, lines 1-11. Emphasis added. Thus, what Craig actually teaches is determining a security level of a user and not determining a level of security software that is enabled on the client device. In fact Craig does not appear to even suggest determining anything about the security software, and instead is directed toward a security level of the user. Moreover, Craig appears to make no suggestion about determining what level of security software is enabled on the client device. Thus, for at least this reason, Kang in combination with Craig fails to support a *prima facie* case of obviousness for at least claim 32. Therefore, the Applicant respectfully request that at least claim 32 be allowed to issue.

The Applicant further submits that none of the cited prior art references alone or in combination teaches or suggests the limitation of amended claim 33. For example, amended claim 33 teaches, in part, determining if the client device is configured as a kiosk or a mobile device, and

applying a restriction to the access based on the determined configuration. Kang, for example, appears to make no mention of determining if a client device is configured as a kiosk or mobile device. Similarly, Myers also fails to make any suggestion regarding kiosks or mobile devices, let alone determining if the client device is configured as one of these types and applying a restriction based on the determined configuration as required by claim 33. Similarly, Craig and Vaid also fail to teach or suggest such limitation. Thus, for at least these reasons, the Applicant respectfully submit that claim 33 is allowable over the cited prior art references, and should be allowed to issue.

Thus, for at least the reasons stated above, Applicant respectfully submits that each of the pending independent claims are neither anticipated by or rendered obvious by the cited prior art references, either alone or in combination. Furthermore, claims 2-9 depend from claim 1; claims 11-21 depend from claim 10; claims 23-27 depend from claim 22; and claims 29-30 depend from claim 28. Thus, for at least the same reasons as the independent claims from which they depend, each of the dependent claims are also allowable, and should be allowed to issue.

**CONCLUSION**

It is respectfully submitted that each of the presently pending claims (Claims 1-33) is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicant's representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicant reserves the right to raise these arguments in the future.

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Respectfully submitted,

By *J. Wigand*  
Jamie L. Wigand  
Registration No.: 52,361  
DARBY & DARBY P.C.  
P.O. Box 770  
Church Street Station  
New York, New York 10008-0770  
(206) 262-8915  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant